



Paper No. 9

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OFFICE OF PETITIONS

In re Application of
Li.
Application No. 10/068,663
Filed: February 6, 2002
For: PROTEIN STANDARD FOR
ESTIMATING SIZE AND MASS

DECISION DISMISSING PETITION

This is a decision on the petition submitted by facsimile transmission on August 27, 2002, requesting under 37 CFR 1.183 suspension of the requirements of 37 CFR 1.59(a) such that originally filed paragraphs 3, 4, 5, and 6 in Example 2 be expunged from this file.

The petition is **dismissed, subject to favorable reconsideration as discussed in more detail below**. Any request for reconsideration must be filed within TWO MONTHS of this decision. See 37 CFR 1.181(f). Extensions of time under 37 CFR 1.136(a) or (b) are not available.

Petitioner seeks expungement of unintentionally submitted trade secret information appearing in paragraphs 3, 4, 5, and 6 appearing in Example 2 of the instant specification, and insertion of a new paragraph.

Unfortunately the petition cannot be granted as petitioner did not comply with 37 CFR 1.121 and 37 CFR 1.125 which pertain to the manner of deleting and adding information to the specification. Petitioner should further note that these rules were amended effective July 30, 2003. In essence, petitioner will be required, as a condition of a favorable decision on the petition, to present a substitute specification that does not contain paragraphs 3, 4, 5, and 6 in Example 2, and does contain the proposed new paragraph. In addition, petitioner must also supply a "marked-up" copy of the specification showing the additions and deletions. The marked up and originally filed specification will be removed from this file. For petitioner's convenience, a copy of the rule change appearing in the Federal Register is enclosed. If petitioner is unable to prepare an amended and "marked-up" copies of the specification, he may wish to obtain the services of a registered practitioner, as the USPTO cannot prepare the amendment on behalf of petitioner. The USPTO cannot aid petitioner in selecting a registered practitioner. A list of practitioners registered to practice before the USPTO is available on the USPTO web site: www.uspto.gov.


Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries relevant to this decision only should be directed to the undersigned at
(703) 305-1820.


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Enclosure: 68 Federal Register 38611-38630 (June 30, 2003)